



COUNTY OF IMPERIAL

PUBLIC HEALTH DEPARTMENT

DIVISION OF ENVIRONMENTAL HEALTH

797 Main Street, Ste. B • El Centro, CA 92243

Phone (760) 336-8530 • Fax (760) 352-1309

ROBIN HODGKIN, M.P.A.
Director

STEPHEN W. MUNDAY, M.D., M.P.H.
Health Officer

August 05, 2011

William Brunet, P.E., Director
County of Imperial
Department of Public Works
155 South 11th Street
El Centro, CA 92243

Subject: Notice and Order for the Brawley Solid Waste Site, Facility No. 13-AA-0008

Mr. Brunet:

The Brawley Solid Waste Site is in violation of Title 27 of the California Code of Regulations, Section 20530, for failure to provide adequate site security along the southern perimeter of the landfill property. The LEA has identified this deficiency on monthly inspection reports since June of 2010. The State notified you on March 30, 2011 that the facility would be placed on the State *Inventory of Solid Waste Facilities that Violate State Minimum Standards* if you failed to correct the violation for site security. Inspections conducted by the LEA on April 13, May 24, and June 17, 2011 confirmed that the Brawley Solid Waste Site remained in violation of 27 CCR 20530 – Site Security. Written notices of these violations were provided to you for each of these inspections. The LEA is hereby issuing to you the attached Notice and Order No. EA-2011-03 pursuant to Section 44106 of the Public Resources Code to seek compliance with state minimum standards for solid waste facilities.

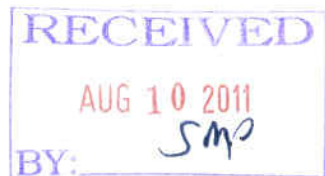
The LEA has the authority, pursuant to Section 44106(b) of the Public Resources Code, to order a compliance schedule to ensure that progress will be made to provide adequate site security in accordance with Title 27 of the California Code of Regulations. Failure to correct this violation within the timeframes dictated by the attached Notice and Order will result in the LEA seeking injunctive relief to enforce the attached order and/or to seek civil penalties.

If you have any questions, please do not hesitate to contact me at (760) 336-8530.

Sincerely,


Daniel O. Gutierrez
Local Enforcement Agency

Cc: Supervisor Jack Terrazas, Chairman of the Board of Supervisors
Supervisor Gary Wyatt, District 4
Robin Hodgkin, Director, IC Department of Public Health
Megan Fisher, CalRecycle
Paul Saldaña, CalRecycle
Jennie Snyder, RWQCB



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BEFORE THE
IMPERIAL COUNTY DIVISION OF ENVIRONMENTAL HEALTH
LOCAL ENFORCEMENT AGENCY

In the Matter of:

Brawley Solid Waste Site (Facility No. 13-AA-0008),
4700 Brawley Dump Road, Brawley, CA
Assessor Parcel Numbers: 046030004, 046030005, and
046030012

) **NOTICE AND ORDER**
) **NO. EA-2011-03**
)

) **DECLARATION OF**
) **DANIEL GUTIERREZ**
)

I, Daniel Gutierrez, declare that,

1. I am currently, and was at all times referenced herein, employed as an Environmental Health Compliance Specialist II by the Imperial County Public Health Department, Division of Environmental Health, which serves as the Local Enforcement Agency (LEA) for the County of Imperial as authorized by the California Department of Resources Recycling and Recovery.
2. I have personal knowledge that the Brawley Solid Waste Site is in violation of Division 30 of the California Public Resources Code and Title 27 of the California Code of Regulations as described in the attached Notice and Order No. EA-2011-03.

I declare under penalty of perjury that the foregoing is true and correct.

Date: 8-5-11



Daniel Gutierrez
Environmental Health Compliance Specialist II
Local Enforcement Agency

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IMPERIAL COUNTY
DIVISION OF ENVIRONMENTAL HEALTH
797 MAIN STREET, EL CENTRO, CA 92243
LOCAL ENFORCEMENT AGENCY

IN THE MATTER OF:) NOTICE AND ORDER NO. EA-2011-03
Brawley Solid Waste Site (Facility No. 13-AA-0008),) Public Resources Code Division 30, Sections
4700 Brawley Dump Road, Brawley, CA.) 44106 and 45011. California Code of
Described by Assessor Parcel Numbers:) Regulations Title 27, Section 20530.
046-030-004, 046-030-005, and 046-030-012.)
_____)

To: County of Imperial
William S. Brunet, Director
Imperial County Department of Public Works
155 South 11th Street
El Centro, CA 92243

PLEASE TAKE NOTICE:

On March 30, 2011 the California Department of Resources Recycling and Recovery (CalRecycle) sent the Department of Public Works, via certified mail, a Notice of Intent (NOI) to Amend Listing of the Brawley Solid Waste Site in the Inventory of Solid Waste Facilities that Violate State Minimum Standards (Inventory) pursuant to Section 44104(b) of the Public Resources Code (PRC). You were further notified that if the violation of **27 CCR 20530 – Site Security** was not corrected within 90 days, the facility would be placed in the Inventory.

The LEA conducted inspections on April 13, May 24 and June 17, 2011 to verify compliance with state minimum standards at the site. The Brawley Solid Waste Site (13-AA-0008) was found to be in violation of Section 20530 of Title 27 of the California Code of

1 Regulations at each of these inspections for failure to provide adequate site security along the
2 southern perimeter of the landfill property.

3 On July 20, 2011, CalRecycle placed the Brawley Solid Waste Site on the State Inventory
4 because the operator has not yet secured the southern portion of the landfill as directed by the
5 LEA and CalRecycle. Since the Operator of the Brawley Solid Waste Site has failed to comply
6 with the requirements of Title 27 of the California Code of Regulations (CCR), the LEA has the
7 authority pursuant to Sections 44106 and 45011 of the PRC to order a compliance schedule to
8 ensure progress will be made to bring the facility into compliance.

9 **WHEREAS**, the Brawley Solid Waste Site is located at 4700 Brawley Dump Road,
10 Brawley, CA, described by Assessor Parcel Numbers: 046030004, 046030005 and 046030012;

11 **WHEREAS**, the Imperial County Local Enforcement Agency has the authority to act in
12 the capacity of enforcement agency (EA) for this facility pursuant to Public Resources Code
13 Section 43200 et. seq., and is so acting; and

14 **WHEREAS**, the Imperial County Department of Public Works shall operate the Brawley
15 Solid Waste Site (Solid Waste Facility Number: 13-AA-0008) in accordance with Title 27 of the
16 California Code of Regulations.

17
18 **THEREFORE, YOU ARE HEREBY ORDERED TO DO THE FOLLOWING:**

19 Complete the following action on or before the date specified herein:

20
21 **Section 20530 T27 CCR –Install a site security fence along**
22 **the southern landfill perimeter to discourage unauthorized**
23 **access to the site by persons and vehicles.**

24
25 **October 18, 2011**

26 **FURTHER NOTICE:**

27 **PURSUANT TO PRC SECTIONS 45011, 45014, AND 45023**, if the above action is not
28 completed or complied with by the specified dates, the Local Enforcement Agency may:
29

- 1 1. Petition the superior court for injunctive relief to enforce this Notice and Order.
2 [PRC Section 45014]
- 3 2. Petition the superior court for civil penalties in an amount not to exceed \$10,000 per
4 day for each violation. [PRC Section 45023 and 45024]
- 5 3. Impose administrative civil penalties in an amount not to exceed \$5,000 per day for
6 each day the facility fails to achieve compliance with the time frames specified
7 above. [PRC Section 45011]

8 In the event the time frame for completion of the above-specified activity cannot be
9 adhered to due to factors not in the control of the operator, the LEA may extend the stipulated
10 deadline based upon those specific factors provided by the operator in writing. Any such
11 extension to the time frame or other amendment to this Notice and Order shall be in the form of
12 an Amended Notice and Order.

13 Nothing in this Notice and Order shall constitute or be construed as a satisfaction or
14 release from liability for any conditions or claims arising as a result of past, current, or future
15 operations. Notwithstanding compliance with the terms of this Notice and Order, the owner and
16 operator may be required to take further actions as necessary to protect the public health, safety,
17 or the environment.

18 The LEA shall not be liable for injuries or damages to persons or property resulting from
19 acts or omissions by the owner or operator or related parties in carrying out activities pursuant to
20 this Notice and Order, nor shall the LEA be held as a party to any contract entered into by the
21 owner or operator or their agent(s) in carrying out activities pursuant to this Notice and Order.

22 This Notice and Order is supported by the accompanying declaration of Daniel Gutierrez.

23 This Notice and Order does not relieve the owner or operator from complying with all
24 other local, state, and federal requirements, nor does it preclude the LEA or CalRecycle from
25 taking any and all other actions allowed by law.

26 This Notice and Order may only be amended in writing by an appropriate representative
27 of the LEA.

1 **PLEASE TAKE NOTICE THAT:**

2 Pursuant to Title 14 CCR Section 18304(b)(8), the person or entity named in this Notice
3 and Order has the right to appeal this Notice and Order to the Hearing Panel. [PRC Section
4 44307] A request for a hearing before the Hearing Panel must be filed within 15 days from the
5 date of receipt of this Notice and Order. [PRC Section 44310]

6 This Notice and Order is issued as of the date set forth below.

7 Dated: 9-8-11

8 
9 **Daniel Gutierrez**

10 **Environmental Health Compliance Specialist II**
11 **Local Enforcement Agency**
12 **Imperial County Public Health Department,**
13 **Division of Environmental Health**
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